

Amendments to House Bill No. 485
3rd Reading Copy

Requested by Senator Vicki Cocchiarella

For the Senate Business, Labor, and Economic Affairs Committee

Prepared by Pat Murdo
March 15, 2007 (3:33pm)

1. Title, line 5.

Following: "WORKER"

Insert: "; AND AMENDING SECTIONS 37-22-305 AND 37-22-411, MCA"

2. Page 1.

Strike: everything after the enacting clause

Insert: "Section 1. Section 37-22-305, MCA, is amended to read:

"37-22-305. Representation to public as ~~licensed clinical social worker~~ -- limitations on use of title -- limitations on practice. (1) Except as provided in subsection (4), a person may not represent that the person is a social worker, bachelor social worker, baccalaureate social worker, master's social worker, or doctoral-level social worker unless the person has graduated with the appropriate degree in social work from a program approved by the board.

~~(1)~~(2) Upon issuance of a license in accordance with this chapter, a licensee may use the title "licensed clinical social worker". Except as provided in subsection ~~(2)~~ (3), a person may not represent that the person is a licensed clinical social worker by adding the letters "LSW" or "LCSW" after the person's name or by any other means unless licensed under this chapter.

~~(2)~~(3) Individuals licensed in accordance with this chapter before October 1, 1993, who use the title "licensed social worker" or "LSW" may use the title "licensed clinical social worker" or "LCSW".

~~(3)~~(4) ~~Subsection (1) does~~ Subsections (1) and (2) do not prohibit the following practices:

(a) qualified members of other professions, such as physicians, psychologists, lawyers, pastoral counselors, educators, or the general public engaged in ~~social work~~ like activities resembling social work, from doing social work consistent with their training if they do not hold themselves out to the public by a title or description incorporating the words "social worker", "licensed social worker", or "licensed clinical social worker";

(b) activities, services, and use of an official title by a person in the employ of or under a contract with a federal, state, county, or municipal agency, including employees performing functions designated to social workers under Titles 41 and 52, and Title 72, chapter 5, or by a person in the employ of

an educational, research, or charitable institution, or of a health care facility licensed under the provisions of Title 50, chapter 5, that are a part of the duties of the office or position;

(c) an employer from performing ~~social work like~~ activities resembling social work that is performed solely for the benefit of employees;

(d) activities and services of a student, intern, or resident in social work pursuing a course of study at an accredited university or college or working in a generally recognized training center if the activities and services constitute a part of the supervised course of study;

(e) activities and services by a person who is not a resident of this state that are rendered for a period that does not exceed, in the aggregate, 60 days during a calendar year if the person is authorized under the law of the state or country of residence to perform the activities and services. However, the person shall report to the department the nature and extent of the activities and services if they exceed 10 days in a calendar year.

(f) pending disposition of the application for a license, activities and services by a person who has recently become a resident of this state, has applied for a license within 90 days of taking up residency in this state, and is licensed to perform the activities and services in the state of former residence."
{ Internal References to 37-22-305: None. }

Insert: "Section 2. Section 37-22-411, MCA, is amended to read:

"37-22-411. Violations -- penalties. (1) It is a misdemeanor for a person to:

(a) represent himself as that the person is a social worker unless the person meets the qualifications in 37-22-305(1);

(b) represent that the person is a licensed social worker without being licensed under this chapter;

~~(b)~~(c) obtain or attempt to obtain a license or license renewal by bribery or fraudulent representation; or

~~(c)~~(d) knowingly make a false statement on any form used by the board to implement this chapter or the rules adopted under this chapter.

(2) A person convicted under this section shall be imprisoned in the county jail for a period not exceeding 6 months or fined not more than \$500, or both. A person convicted of a second offense under this section shall be punished by both a fine and imprisonment."

{ Internal References to 37-22-411:
37-22-201x } "

- END -